

Development Control Committee

Meeting to be held on 25th November 2015

Electoral Division affected: Pendle East

Pendle Borough: application number 13/10/0627NM2

Application for non-material amendment of permission 13/10/0627 to allow an increase in the hours of operation of the school lights between 06:30hrs to 18:30 with a boost option required to 22:30hr for occasional events at Laneshawbridge Primary School, Emmott Lane, Laneshaw Bridge, Colne

Contact for further information:

Robert Hope, 01772 534159

DevCon@lancashire.gov.uk

Executive Summary

Application – Application for non-material amendment of permission 13/10/0627 to allow an increase in the hours of operation of the school lights between 06:30hrs to 18:30 with a boost option required to 22:30hr for occasional events at Laneshawbridge Primary School, Emmott Lane, Laneshaw Bridge, Colne.

Recommendation – Summary

The proposed amendment is considered to be non-material and is acceptable.

The developer be advised that the development shall be carried out in accordance with the approved non-material amendment and in accordance with all other approved documents and conditions to the planning permission ref: 13/10/0627.

History

Planning permission was granted on 14th April 2011 for the demolition of the existing primary school, terracing of the site to the rear of the existing school to form a level plateau for a new primary school and associated facilities at Laneshawbridge Primary School, Emmott Lane subject to planning conditions.

Condition 12 – Lighting states:

'No development shall commence until a scheme and programme for external lighting has been submitted to and approved in writing by the Director of Environment and Public Protection Services. The scheme and programme shall include the following:

- a) *Details of the type and intensity of lights*
- b) *Details of the types of masking or baffle at head to prevent light spillage*
- c) *Details of the type height and colour of lighting columns*

- d) *Details of light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential*
- e) *Details for the control of the times of illumination of the lighting.*
- f) *Details of lighting lantern heads to be used.'*

An application for the approval of details reserved by condition 12 was submitted on 11th August 2011 including drawing number EP1 entitled '*External Lighting Plots*'. The plan details the light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties together with the type of lighting heads.

A revised Drawing Number EP1 rev D entitled '*External Lighting Plots*' was submitted on 10th November 2011.

A further revised Drawing Number EP1 rev E entitled '*External Lighting Plots*' was received on 6th March 2012 and a document entitled '*External Lighting Control Strategy*' on 13 March 2012.

The revised plan details the light spread diagrams showing lux levels across the site and calculation of the impact of these on nearby residential properties. Detail of the types of lighting heads and heights of columns was also included.

The applicant submitted a document entitled '*External Lighting Control Strategy*' which includes the following details:

	ON	OFF	ON	OFF
Service Road (Monday – Friday)	7.30AM	9.00AM	3.30PM	4.30PM
Main entrance & footpaths for school use	7.30AM	9.00AM	3.00PM	6.00PM
Main entrance & footpaths for community use	7.30AM	9.00AM	On via boost button	9.30PM
Weekends	All off	All off	On via boost button	9.30PM

At the time it was considered that the details on Drawing Number EP1 rev E entitled '*External Lighting Plots*' received on the 6th March 2012 and a document entitled '*External Lighting Control Strategy*' on the 13th of March 2012 were acceptable and were subsequently approved on 21st December 2012.

Condition 13 - Lighting Assessment states:

'Within 1 month of the replacement school being opened an assessment of the lighting scheme shall be carried out during hours of darkness to identify any unacceptable light spillage to neighbouring properties or the amenities of the area. The results of the assessment shall be submitted to the Director of Environment and Public Protection Services within 7 days of such assessment together with the proposed measures for addressing any unacceptable light spillage to neighbouring properties or the amenities of the area for approval in writing. The approved measures shall be carried out in their entirety within a further 14 days from the date of approval.'

Reason: In the interests of visual and local amenity, and to conform with Policies 28 and 32 of the Replacement Pendle Local Plan.'

An application for the approval of details reserved by condition was submitted on 5th December 2013. This included a letter from JRM Environmental Design Ltd dated 26th November. The applicant advised that an assessment of the lighting took place on 14th November 2013 during the hours of darkness. Utilising a light meter, 40 readings were taken at random points around the site including the main car park, footpaths, upper car park and rear service road. The applicant has confirmed that the lighting levels were all in line with those indicated on the approved drawing no. EB018538 Revision E and LCC's lighting engineer has confirmed that the submitted details are acceptable.

LCC's Lighting Engineer agreed that the submitted details were compliant with the requirements requested by the condition which have been reviewed and no objection was raised.

Details submitted for the purposes of condition 13 were approved on 3rd January 2014.

Applicant's Proposal

The applicant wishes to amend the approved details under condition 12(e) of permission 13/10/627 which detail the times of illumination of the lighting.

The approved details provide for illumination from 07:30 hours in the morning until 18:00 in the evening for general school use and also until 21:30 for occasional evening events.

The applicant wishes to amend this to the following:

Illumination from 06:30 in the morning until 18:00 in the evening for general school use and also until 22:15 for occasional evening events.

Consultations

Given the concerns that have previously been raised by a local resident, the same local resident was notified that an application for non-material amendment had been submitted. The local resident has maintained concerns that there were, and still remain, discrepancies regarding the lighting assessment and the current lighting arrangements. When the school was constructed a lighting column was erected at a point several metres from the location shown on the approved drawing. Following discussions with the local resident the lighting column was simply removed and replaced with a low level bollard light.

Assessment of application

Following completion of the school development and operation of the lighting system, the school found that lighting was actually required at times outside those approved

during the winter months. Lighting was turned on at the school regularly prior to 0730 hours and a local resident complained that this represented a breach of planning control.

To seek to address the breach of planning control while also allowing for an extended period of lighting, the applicant has submitted an application for non-material amendment for a new scheme of lighting. The applicant has not submitted an application under s.73 of the TCPA 1990 as condition 12 does not actually specify a prescriptive period for lighting use, only that details be submitted. The applicant does not wish to change the wording of the condition or the requirements; only the times of illumination of the lighting.

The previously submitted and approved details for the control of the times of illumination of the lighting were considered acceptable in view of light lux information and subsequent light spillage assessment, which demonstrated that there was no unacceptable impact as a result of lighting. Similarly, the current proposal is supported by information to demonstrate that the extended hours of lighting would have no discernible impact. The amendment would not change the number of lights or the level of illumination and would only provide for the lights being illuminated for a longer period than is currently approved. Given that the lighting levels have previously been found to be acceptable, it is considered that the slightly longer hours would not have an unacceptable adverse impact on residential amenity. On this basis it is considered that the application for non-material amendment should be approved.

Recommendation:

The proposed amendment is considered to be non-material and is acceptable.

The developer be advised that the development shall be carried out in accordance with the approved non-material amendment and in accordance with all other approved documents and conditions to the planning permission ref: 13/10/0627.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact//Ext
13/10/0627NM2	Nov 2015	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A